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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,295	12/08/2003	Curtis Richard Platte III	WESTRI-44832	3622

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,295

Applicant(s)

PLATTE, CURTIS RICHARD

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the operation of the locking means to enable the trays to lock the extended position must be shown or the features canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 2-3, 27, and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

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claimed invention. It is unclear how telescoping support operates to enable the tray to lock the extended position. See drawing objections above.

3. Claims 1, 2, 5-9, 11, 12, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodman (131128). Goodman teaches an organizer with a body, trays 9 movable between a collapsed and an expanded configuration, and the trays are aligned.

Regarding claim 2, note the locking means in Fig. 9.

Regarding claim 8, note that each of frames 2 is the sidewall as claimed.

Regarding claim 12, note the hinge at 16.

4. Claims 13, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Duer (1782414). It would have been obvious to one of ordinary skill in the art to provide to provide the two support portions as taught by Duer to limit the extend of the front wall.

Regarding claim 20, it would have been obvious to one of ordinary skill in the art to provide to provide the handle to transport the case easily

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Goodman rejection, as set forth in paragraph 4, in view of Lippert et al. (6321912). It would have been obvious to one of ordinary skill in the art to provide to provide the fastening means being hook and loop to enable one to disconnect the support when it is not desired.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Camp (607539). It would have been obvious to one of ordinary skill in the art to provide handles on the sides as taught by Camp to enable one to carry the device easily.

7. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Thilborger et al.(814572). It would have been obvious to one of ordinary skill in the art to provide to a handle on the top as taught by Thilborger to handle the luggage easily.

Furthermore, It would have been obvious to one of ordinary skill in the art to provide to provide the means for fastening the top walls with the sidewalls and front walls to secure the contents. Note that the sidewalls are secured to the sidewalls as claimed.

8. Claims 4, 16, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Jackson (5407218). Jackson teaches that it is known in the art to provide pocket on the outside of a wheel device. It would have been obvious to one of ordinary skill in the art to provide pockets on the sidewalls to enable one to store additional items.

9. Claims 22-25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hackett in view of Pineda (4890705). It would have been obvious to one of ordinary skill in the art to provide to provide the handle and wheels as taught by Pineda to enable one to transport the device easily.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hackett in view of Duer, Lippert, Jackson, and Camp. It would have been obvious to one of ordinary skill in the art to provide pockets on the sidewalls as taught by Jackson to enable one to store additional items.

With respect to the handle, it would have been obvious to one of ordinary skill in the art to provide top provide handle on the side as taught by Camp to enable one to carry the device easily. Furthermore, It would have been obvious to one of ordinary skill in the art to provide to provide the handle on the top to carrier the device easily.

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11. Claims 1, 2, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hackett (861173). Hackett teaches a organizer having a plurality of trays between the two positions as claimed.

12. Claims 3, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hackett in view of Smith (606431) or Large (151035). Either Large or Smith teaches that it is known in the art provide telescoping portions for assisting in locking the trays. It would have been obvious to one of ordinary skill in the art to provide telescoping portions as taught by either Smith or Large to provide an alternative means for extending the trays.


13. The allowance of claims 10, 29, and 32 cannot be determined with respect to 112, 1st paragraph matter as set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai 
Primary Examiner
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